




MEMORANDUM

TO: Mayor Lee Leffingwell and City Council Members

FROM: Greg Guernsey, AICP, Director
Planning and Development Review Department 

DATE: September 23, 2009

SUBJECT: ATX Sports Bar – 1504 East 6th Street

Following initial processing of this appeal, and after a public hearing before the City Council was held, staff determined the appeal was not timely filed by the appellant, and therefore should not have been placed on the Council agenda.

Based on the information below, it is recommended that Council find on the record that the appeal was not timely filed and take no further action regarding this matter.

The appellant has not met the appeal deadline (within 14 days after the date the decision was issued) as required by Section 9-2, Noise and Amplified Sound. Specifically, the Code states:

“An appeal must be filed with the accountable official, in writing, no later than the 14th day after the date the decision is issued and must describe the decision being appealed and the specific grounds for the appeal, 9-2-25 (B)(1)”.

The application was approved June 24th, therefore to be valid, the appeal must have been received by City staff by July 8th. The appeal, however, was received July 15th. Please see detailed timeline below:

Timeline/Summary of Actions

- May 19, 2009 – Ms. Rebecca Ledesma filed an application for an Outdoor Music Venue (OMV) renewal permit for the ATX Sports Bar, located at 1504 E. 6th Street.
- June 24, 2009 – Approval of OMV renewal permit by City staff.
- July 8, 2009 – Deadline date for appeal.
- July 10, 2009 - A letter from Ms. Elda Bruciaga was received in which she indicated she would appeal approval of the permit. This right is afforded as she is the owner of a residence within 600 feet of the venue, per Chapter 9-2, Noise and Amplified Sound, Section 9-2-25.

- July 14, 2009 – Staff sent correspondence to the appellant indicating the appeal letter did not contain requisite information regarding specific grounds for the appeal per LDC 9-2-25, “Appeal of an Administrative Decision of a Permit Application”.
- July 15, 2009 – Appellant’s letter was received with content indicating the specific grounds for appeal.
- July 23, 2009 – Council Hearing to “Set” hearing on the appeal.
- August 20, 2009 - Council Hearing to “Conduct” hearing on the appeal.
- August 27, 2009 – Postponed to September 24, 2009.

Recommendation

Staff recommends that council find that the appeal was not timely filed under Section 9-2-25 and is therefore not properly before Council. No further action is required with regard to the appeal.

cc: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Brent Lloyd, Law Department